IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.767 OF 1988

Kamlakar Raghunath Sao & Ors. ... Petitioners

Versus

State of Maharashtra and Ors. .. Respondents

None for the Petitioners.

Mr. R.J. Mane, A.G.P. for State.

**CORAM: F.I. REBELLO &**
**MRS.V.K.TAHILRAMANI,JJ.**
**DATE : 5th June, 2006**

P.C.:

. It is the case of the Petitioner that the premises bearing Room No. 4A of the building Sitaram Nivas, situated at ground floor of Sitaram Niwas, situated at 24, 1st, Bhatwadi Lane, Girgaum, Mumbai - 4 has been requisitioned by Respondent No. 1 under the provisions of the Land Acquisition Act, 1948 by order dated 2.3.1954. The said premises were thereafter allotted to Respondent No. 2. It is the case of the Petitioner that considering the passage of time as the long period for which the premises were not requisitioned, it was incumbent on the Respondent No. 1 to withdraw and or cancel the order of requisition dated 2.3.1990. On account of failure by Respondent No. 1 to issue such order, the present petition and the relief sought for therein.

. The law is now settled by the Apex Court, that the premises taken under the provisions of the Bombay Land Requisition Act cannot indefinitely be

continued in possession. Once that be the case, the Respondent No. 1 was duty bound to issue order releasing the premises in favour of the Petitioner.

. There are some other intervening circumstances. In the meantime, the Bombay Rent Act came to be amended whereby the allottees were conferred some rights. That amendment has now been upheld by the Apex Court. In the light of that, this petition can be disposed of by issuing the following directions :

. The Respondent No. 1 if the premises have not already been released, to release the premises by following the due procedure and also complying with any directions issued by the Apex Court. Rule made absolute accordingly. No order as to costs.

**(F.I.REBELLO, J.)**

**(MRS.V.K.TAHILRAMANI,J.)**